

**1st ANNUAL CONSUMER BANKRUPTCY BENCH /BAR CONFERENCE
FOR THE SOUTHERN DISTRICT OF TEXAS**

Friday, September 28, 2001, 1:00 p.m.- 4:30 p.m.

Houston (live): 515 Rusk, Courtroom 11A, 11th Floor; Houston, TX.

Corpus Christi (Via video conference): 1133 N. Shoreline Blvd, Bankruptcy Courtroom, 2nd Fl.

Brownsville (Via video conference): 600 E. Harrison St; 3rd Floor Courtroom; Brownsville, TX.

Laredo (Via video conference): 904 Juarez, 2nd Floor Courtroom, Court Annex; Laredo, TX.

To: Southern District of Texas Consumer Bankruptcy Practitioners, Their Staff, and
Other Interested Parties

The Consumer Bankruptcy Advisory Committee, for the Southern District of Texas has been working with the Bankruptcy Judges, the Standing Chapter 13 trustees, the United States Trustee and several chapter 7 trustees and consumer practitioners and for the last year to develop new bankruptcy procedures and forms. The proposed new procedures and forms are designed to improve the administration of consumer bankruptcy law in this District.

There will be a Bench-Bar Conference to present and discuss the proposed new procedures and forms on September 28, 2001. The Conference will be live in Houston at the U.S. Courthouse at 515 Rusk. It will be in Judge Hoyt's courtroom on the 11th Floor, Courtroom 11A. It will also be available by Video conference in Brownsville, Laredo and Corpus Christi. If you can attend the conference, please RSVP by calling 713-772-8037, or via email to tblack3302@aol.com, and include the number of persons attending. There is no charge for the conference. You are welcome to bring your staff.

The proposed new procedures and forms are available free of charge at the District Clerk's office at 515 Rusk, or are available for download at the Southern District's website: www.txs.uscourts.gov. These new procedures may soon be adopted for use and included in the Local Rules of the U.S. Bankruptcy Court for the Southern District of Texas. Your suggestions and comments would be appreciated.

If you wish to make written comments about the proposed procedures or forms, please direct them to Clerk, U.S. District Court; Attn: Chief Deputy, Room 5401; P.O. Box 61010; Houston, TX 77208

Continuing Legal Education credit will be sought for the Conference, sponsored by the Houston Association of Debtor Attorneys (HADA).

AGENDA

Format: Open Panel Discussion

- 1:00 p.m. Welcoming Remarks
Chief Judge Richard Schmidt
- 1:05 p.m. Overview of Conference
Judge Leticia Clark and Janet S. Casciato Northrup
- 1:15 p.m. Dismissals-Panel Discussion - New procedures, forms,
summary dismissals, fee disclosure.
Moderator: Christine March
David Askanase
David Peake
Tom Black
Judge Karen Brown
- 2:00 p.m. Wage/Pay orders - Interim Disbursements - New procedures,
forms, and requirements.
Moderator: Janet S. Casciato Northrup
Judge Wesley Steen
Daniel E. O'Connell
R. Christopher Naylor
John Ventura
- 2:30 p.m. - Break -
- 2:45 p.m. Confirmation - Chapter 13 Plan form; consolidated procedure or objections to
claims, requests to value property, Sec. 522 motions to avoid liens and objections
to confirmation.
Moderator: H. Gray Burks, IV
William E. Heitkamp
Jeffrey Norman
Mary A. Daffin
David E. Whitcomb
- 3:40 p.m. Post Confirmation Modification - Adopted forms, required
process and procedures.
Moderator: Judge Leticia Clark
Judge Richard Schmidt
Eloise A. Guzman
Cindy Boudloche
- 4:10 p.m. Attorney's Fees - Proposed process and fee structure,
disclosure requirements and responsibilities, fee applications,
and forms.
Moderator: Judge Wesley Steen
Judge Manuel Leal
John Smith
Tom Black

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:	§	CASE NO.
	§	
	§	
Debtor	§	(Chapter 13)

**ORDER AUTHORIZING INTERIM DISTRIBUTION
OF PLAN PAYMENTS BY CHAPTER 13 TRUSTEE**

On request of the debtor, it is ordered:

1. The Chapter 13 Trustee is authorized to begin distribution to creditors under the plan on secured claims and priority claims under Local Rule 3015 and the Debtor's proposed Plan. Distribution shall begin as soon as practicable after ten(10) days from the date this Order is entered and after the first date set for the meeting of creditors;

2. At the time of each distribution pursuant to this Order, the Chapter 13 Trustee shall be entitled to collect the percentage fee, to the extent and in the amount authorized by the United States Trustee, pursuant to 28 § U.S.C. 586(e);

3. The Chapter 13 Trustee will continue interim disbursement before confirmation, dismissal or conversion of this case until further Order of this Court. Distributions made in accord with the Standing Order for Chapter 13 administration are not recoverable from a creditor or from the Chapter 13 Trustee.

ORDERED _____, 20__.

PRESIDING JUDGE

Debtors' Request for and Approval of Interim Disbursement of Plan Payments

Entry of this Order for interim disbursement of plan payments by the Chapter 13 Trustee is requested by the Debtor in compliance with Local Rule 3015, for the purposes of promoting successful completion of this Chapter 13 case, providing adequate protection to secured creditors, and evidencing good faith and the intent to complete this bankruptcy case.

DATED: _____

Debtor

Debtor

Certification of Debtor's Attorney

I certify that I have fully explained to the Debtor all the terms and effect of this Order, and the interim distribution provisions of the Standing Order for Chapter 13 Administration, before this Request was signed.

Attorney for Debtor

In re:	§	Case No.
	§	
DEBTOR	§	
	§	(Chapter 13)

Form 1329.2

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

IN RE:
CHAPTER 13 AND
CHAPTER 7 ADMINISTRATION

§
§
§
§

CASE NO. _____

INITIAL ORDER FOR PROSECUTION OF CHAPTER 13 AND CHAPTER 7 CASES

**Failure to Comply with this Order may Result in Dismissal of this Case
with No Additional Notice and with Prejudice to a Debtor Re-filing.**

1. Disclosure of Compensation by Counsel.

Counsel for the Debtor in a Chapter 7 and 13 case or adversary proceeding shall file a Disclosure of Compensation under to 11 U.S.C. § 329 and Bankruptcy Rule 2016 (b). Failure to file the disclosure within ten (10) days of the petition or commencement of the adversary proceeding may result in an Order for counsel to appear and show why the fees should not be disgorged .

2. Dismissal for Failure to Comply with Duties Imposed on Debtors and Counsel.

A. A Debtor in a Chapter 7 or 13 case must:

1. Timely pay the filing fee including installments; or pay the balance of the filing fee within ten (10) days after the Court denies authorization to pay the filing fee in installments; and appear at any hearing on a motion to authorize payment of the filing fee in installments;
2. File completed schedules, statement of financial affairs, and (if applicable) Chapter 13 Plan, within the time prescribed by Bankruptcy Rules 1007 and 3015; or file, within fifteen (15) days after filing the petition, a motion for extension of time to file the schedules, statement of financial affairs and /or Chapter 13 Plan. A motion for extension must specify cause. Extensions will not exceed ten (10) days except in extraordinary circumstances, and shall be served on the Trustee;
3. Appear at the meeting of creditors;
4. In a case converted to Chapter 7 or 13, file and serve on the successor Trustee a copy of the original schedules, supplemental schedules, statement of financial affairs, and (if applicable) a Chapter 13 plan, within fifteen (15) days after the date of the appointment of a successor Trustee.

B. Additionally, the Debtor in a Chapter 13 case, must:

1. File an Order for Interim Distribution or move to waive this requirement within fifteen (15) days after the Chapter 13 petition is filed;
2. Substantially comply with the Chapter 13 Plan Form for the Southern District of Texas;
3. Pay under the terms of the Chapter 13 plan, commencing within thirty (30) days after the plan is timely filed;
4. File any federal or state tax return for periods that would be an allowed priority claim under 11 U.S.C. § 507, within sixty (60) days after the case is filed;
5. Pay on time all post petition Chapter 13 plan payments;
6. Pay on time post petition federal or state tax liabilities;
7. File on time federal and state tax returns that come due after the case is filed.

(a) The term “on time” means the actual due date for the return or payment without extension, unless a Motion for Extension is filed before the due date and approved by the Court.

(b) Returns or forms filed pursuant to subparagraph 4 and 7 shall be filed at the location specified by the appropriate government entity.

(c) Contemporaneously with filing federal tax returns, the Debtor must provide copies to the Internal Revenue Service at the following address, unless otherwise agreed to by the debtor and the IRS.

For Ch.7 cases filed in Houston:

Internal Revenue Service
Insolvency Section 2
1919 Smith St. Mail Stop 5022 HOU
Houston, Tx. 77002

For all other Ch.7 cases:

Internal Revenue Service
Insolvency Section 5
300 E. 8th St. Mail Stop 5022 AUS
Austin, Tx. 78701

For Ch.13 cases filed in Houston:

Internal Revenue Service
Insolvency Section 1, 17th floor
1919 Smith St. Mail Stop 5024 HOU
Houston, Tx. 77002

For all other Ch.13 cases:

Internal Revenue Service
Insolvency Section 6
300 E. 8th St. Mail Stop 5026 AUS
Austin, Tx. 78701

C. If the Debtor fails to comply with these requirements, the Trustee or a party in interest may file a Motion to Dismiss on Certification of Noncompliance. If the matter involves one of the reasons specified

in Section A(1), the Clerk of the Court may file a Motion to Dismiss on Certification of Noncompliance.

D. If the Debtor fails to pay the filing fee, file Schedules, supplemental or conversion Schedules and Statement of Financial Affairs, service of the Motion to Dismiss on Certification of Noncompliance shall be limited to the Debtor, Debtor's Counsel, Trustee and U.S. Trustee. For all other deficiencies, in Chapter 7 cases, the Motion to Dismiss on Certification of Noncompliance shall be served on the Debtor, Debtor's Counsel, Trustee, U.S. Trustee, and all parties in interest and in Chapter 13 cases on the Debtor, Debtor's Counsel, Trustee, U.S. Trustee, and all parties requesting notice. The Motion to Dismiss on Certification of Noncompliance shall specify the deficiencies that justify dismissal and shall provide notice of the summary dismissal provisions of this order. Response time shall be ten days for deficiencies specified in Sections A and B(1) through B(4). Response time shall be twenty (20) days for deficiencies specified in Sections B(5) through B(7). The Motion to Dismiss on Certification of Noncompliance shall include a Certificate of Service.

E. Upon a Motion to Dismiss on Certification of Noncompliance being filed, the Court may dismiss the case without further notice or hearing, unless within ten (10) days for deficiencies specified in Sections A and B(1) through B(4) and within twenty (20) days for deficiencies specified in Section B(5) through B(7) from the date the Motion is filed:

1. The Debtor cures the noticed deficiencies set forth in the Motion to Dismiss on Certification of Noncompliance and provides the Trustee and Movant with verification of this compliance; or

2. The Debtor or any party-in-interest files a response and request for hearing. The response shall specify the reason that a hearing is requested and include notice of the date, time and place the Court will conduct a hearing.

- (a) In Chapter 13 cases, the Respondent shall obtain the date and time of the hearing from the Chapter 13 Trustee and shall serve the response on the Debtor, Debtor's counsel, Chapter 13 Trustee, U.S. Trustee, and any party requesting notice. The response shall contain a Certificate of Service.

- (b) In Chapter 7 cases the Respondent shall obtain the date and time of the hearing from the Judge's case manager, and shall serve the response on the Debtor, Debtor's counsel, Chapter 7 Trustee, U.S. Trustee, and all parties in interest. The response shall contain a Certificate of Service.

F. If the Debtor satisfactorily and timely cures the deficiencies, the Movant shall file a withdrawal of the Motion To Dismiss on Certification of Noncompliance. If the Debtor fails to cure or respond within the time prescribed and in accordance with paragraph E, the party seeking dismissal shall submit with an order submission form an Order of Dismissal. The Order shall set forth the deficiencies which have not been cured and shall be signed by the submitting party under penalty of perjury.

G. The Debtor shall be limited to two opportunities to cure noncompliance. Upon the third Motion to Dismiss on Certification of Noncompliance, the Debtor's only available remedy is to file a response and request for a hearing as specified in paragraph E herein.

H. Conditions which result in the dismissal of a case pursuant to this Standing Order may be considered by the Court in determining eligibility for relief under Title 11 pursuant to 11 U.S.C. § 109(g)(1) or 11 U.S.C. § 349(a).

3. Consistency with Federal and Local Bankruptcy Rules.

This Order is a case management Order. It does not relieve any one of an obligation under the statute or rules.

ORDERED _____, 20__.

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The clerk shall notify:
Debtor and Debtor’s counsel by hand delivery of a copy of this Order to the person filing the case in person.
_____ Copy provided to person filing case. _____ Case filed after hours or by mail.

The clerk shall also give notice of this order to:
Debtor (by mail). Debtors’ counsel (by mail or fax).

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	CASE NO.
	§	
DEBTOR	§	(Chapter 13)

CHAPTER 13 PLAN

BUDGET INFORMATION

Total Monthly Income	\$ _____
Expenses	\$ _____
Difference	\$ _____

ANALYSIS OF PLAN: Debtor shall submit such portion of future income to the supervision and control of the Trustee as is necessary for the execution of this Plan, as follows.

A.	Monthly Payment (if variable, attach payment schedule)	\$ _____
B.	Duration _____ Months; Date Payments Start _____	
C.	Gross Amount from Debtor (for plan duration)	\$ _____
D.	Trustee's Comp. & Expense Fund (10% of C)	\$ _____
E.	Net Available to Creditors	\$ _____

NON STANDARD PROVISIONS _____ are included (see line U); _____ are not included.

F. INTERIM DISBURSEMENTS OF PLAN PAYMENTS:

_____ Debtor request and consent to disbursement by the Chapter 13 Trustee of plan payments prior to confirmation of the plan to evidence Debtor's good faith, promote successful completion of the case and to provide adequate protection to secured creditors. The Chapter 13 Trustee shall begin disbursements as soon as practicable after the first date set for the §341 meeting of creditors and entry of an Order for Interim Disbursements.

_____ Debtor does not consent to interim disbursements and has filed a Motion for Waiver of this requirement.

G. SECURED CLAIMS: The Debtor proposes to pay the lessor of the value of the collateral securing the claim or the amount of the claim, with interest as set forth below. Unless otherwise indicated below, **Debtor's payments will be distributed pro rata among all secured claims** on a monthly basis.

<u>Creditor</u>	<u>Total Claim</u>	<u>Collateral Value/ Secured Claim</u>	<u>Int. Rate</u>	<u>1st/Last Payment (Anticipated)</u>	<u>Anticipated Total</u>
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G.1**Total Secured Claims :**

\$ _____

G.2 LIEN RELEASE: The holder of each secured claim shall retain the lien on the collateral securing its claim. Once a secured creditor (other than a creditor paid directly pursuant to this plan under 11 U.S.C. § 1322(b)(2) & (b)(5)), has received payments which satisfy the creditor's secured claim, the creditor shall release the lien(s) securing its claim, except to the extent the Internal Revenue Code or the Bankruptcy Code operate to provide otherwise.

H. PRIORITY CLAIMS: All claims entitled to priority under 11 U.S.C. § 507 shall be paid in full in deferred cash payments, except to the extent the holder of such claim agrees to a different treatment, as follows. **Debtor's payments will be distributed pro rata among all priority unsecured claims** on a monthly basis subsequent to Trustee's distribution on secured claims.

<u>Creditor</u>	<u>Type of Priority</u>	<u>Priority Amount</u>	<u>1st/Last Payment (Anticipated)</u>	<u>Total</u>
Debtor's Attorney	Sec.507(a)(1)			

H 1. **Total Priority Claims:** \$ _____

H 2. Debtor shall file all tax returns as they become due and pay all governmental unit taxes arising post petition as they become due.

I. GENERAL UNSECURED CLAIMS SEPARATELY CLASSIFIED: To the extent this plan classifies claims, the same treatment is provided for each claim within a particular class. The following unsecured claims are classified separately and shall be treated differently from other general unsecured claims and paid by the Trustee as specified below.

<u>Creditor</u>	<u>Nature of Debt (Criminal Restitution, Etc.)</u>	<u>1st/Last Payment (Anticipated)</u>	<u>Anticipated Total</u>
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I 1. **Total unsecured claims separately treated, if any:** \$ _____

J. Amount available for general unsecured claims
(Line E) - (Lines G1 + H1+ I1) \$ _____

K. Anticipated total general unsecured claims (excluding separately treated claims) \$ _____

L. Anticipated minimum percentage payment for other general unsecured claims
(excluding separately treated claims) _____

Note: The percentage shown is for the purposes of estimation only. It is based upon the amount of debt listed by the debtor in the schedules filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percentage paid to unsecured creditors may change.

M. The timely filed allowed general unsecured claims will be paid on a pro rata basis after the above listed creditors are paid (Lines G, H, I). General unsecured claims which are not filed shall not receive distribution from the Trustee.

N. These claims shall be paid by Debtor directly to the creditor pursuant to this plan.

<u>Creditor</u>	<u>Nature of Debt</u>	<u>Type of Claim</u> <u>(Secured, Priority, Unsecured)</u>
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O. These secured claims and liens are provided for by Debtor surrendering the collateral pursuant to 11 U.S.C. §1325(a)(5)(C), including setoffs of prepetition tax refunds, cash collateral, and any creditor's exercise of reclamation rights.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Collateral</u>	<u>Value</u>
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P. **INSURANCE:** If required under a security instrument, an assumed executory contract or an assumed lease, debtor shall maintain insurance on all collateral retained under this plan at least to the extent of the amount to be paid to the creditor pursuant to this plan, and if the collateral is a principal residence that is a creditor's sole security, then the insurance maintained must comply with the mortgage and deed of trust.

Q. These **UNEXPIRED LEASES or EXECUTORY CONTRACTS** are assumed, rejected or assigned under 11 U.S.C. §§ 1322(a)(7) and 365.

<u>Creditor</u>	<u>Property Description</u>	<u>Election (Assume, Reject, Assign)</u>	<u>In Default</u> <u>(Y or N)</u>
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Payments on assumed leases or executory contracts which become due post confirmation shall be paid by debtor directly to the creditor. Allowed claims on rejected leases or executory contracts will be paid on a pro rata basis with other allowed general unsecured claims specified in paragraph L.

R. If the Trustee receives a federal or state tax refund or tax credit which the Debtor may become entitled to during the term of the plan, the trustee is authorized to forward such refund to the Debtor or apply such refund to delinquent or future plan payments. Additionally, the Trustee may move to modify the plan to increase the total plan payments by the amount of the refund.

S. The unsecured creditors shall receive through the Plan not less than the amount that would be received through a Chapter 7 liquidation in this Case.

T. All property of Debtor's Estate shall vest in Debtor _____ upon Debtor's Plan being confirmed; _____ upon Debtor receiving a discharge under 11 U.S.C. §1328 or Debtor's Case being dismissed. The automatic stay shall remain in effect as to all property of the Debtor and Debtor's estate pursuant to 11 U.S.C. §362(c), except as further ordered by the Court.

U. **NON STANDARD PROVISIONS:**

I declare under penalty of perjury that this Plan Summary represents the terms of the plan proposed for confirmation by Debtor for treatment of all creditors and distributions by the Chapter 13 Trustee.

Attorney for Debtor

Debtor

Dated:_____

Debtor's Spouse

IN RE:	§	CASE NO.
	§	(Chapter 13)
	§	

[Movant], under 11 U.S.C. § 1329 respectfully requests this modification of the Debtor's confirmed plan.

IF YOU OPPOSE THIS MOTION TO MODIFY OR IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT NOT LATER THAN TEN (10) DAYS BEFORE THE DATE OF THE HEARING AND YOU MUST GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

Proposed Modification

- The monthly payment to the Chapter 13 Trustee shall be modified to \$_____ for _____ months, commencing on _____, 2001. The total pre modification and post modification monthly plan payments to the Trustee due in this case shall be \$_____.

- B. Plan payment arrears to the Chapter 13 Trustee shall be deemed cured; however, interest on secured claims being paid through the trustee shall continue to accrue.
- C. The treatment of the following secured claims shall be modified as follows:
- D. The treatment of the following Priority Unsecured claims shall be modified as follows:
- E. Debtors' attorney shall be paid through the Trustee a fee of \$__ for this Modification as an administrative expense.
- F. General Unsecured creditors shall be paid a total of approximately \$_____ on a pro rata basis, with an estimated ____% payment.
- G. Additional Provisions: _____.
- H. All provisions of Debtor's confirmed plan not modified herein shall remain in effect.

Reasons for the Modification

3. *[State the reasons for modification, including any changed circumstances which were unanticipated as of the confirmation date.]*

Budget

4. Amended Schedules I and J have been filed. The current Schedules list income of \$_____ and expenses of \$_____. The Amended Schedules list income of \$_____ and expenses of _____. *[or]*

The Debtor's budget is unchanged from the date of confirmation. The Movant respectfully prays that this court approve this motion to modify the confirmed plan.

Respectfully submitted ,

Attorney for Debtor [or Movant if other than Debtor]

I declare under penalty of perjury that these Modified Plan provisions represent the terms of the plan I propose for confirmation for treatment of all creditors and the distribution by the Chapter 13 Trustee.

Dated: _____

Debtor

Debtor

CERTIFICATE OF SERVICE

I certify that on _____, 2001, a true copy of this motion to modify a confirmed plan and notice of hearing was served by regular U.S. Mail, postage prepaid on the Debtor, U.S. Trustee, Chapter 13 Trustee and all creditors as specified on the attached Service List.

Attorney for Debtor [or movant if other than Debtor]

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

§
§
§

CASE NO.

(Chapter ____)

MOTION TO DISMISS CASE ON CERTIFICATION OF NON COMPLIANCE

[Movant] respectfully certifies Debtor's non-compliance with the requirements of Chapter [7 or 13] and requests that this case be dismissed for the following cause under 11 U.S.C. [707(a) or 1307(c)] and the Initial Order for Prosecution of Chapter 13 and Chapter 7 cases entered in this case.

1. The Court may dismiss this case, without further notice or hearing, unless within ten (10) days after this motion is served, Debtor remedies each of the below deficiencies.

_____ Debtor failed to timely pay the filing fee;

_____ Debtor failed to timely file completed _____ Schedules; _____ Statement of Financial Affairs; _____ Chapter 13 Plan;

_____ Debtor failed to appear at a properly noticed meeting of creditors;

_____ This case was converted and Debtor failed to file and serve on the successor trustee _____ original Schedules or Statement of Affairs; _____ required Supplemental Schedules of Statement of Affairs; _____ Chapter 13 Plan.

2. [For Chapter 13 Cases Only] The Court may dismiss this case, without further notice or hearing, unless within ten (10) days after this motion is served, Debtor remedies each of the below deficiencies.

_____ Debtor failed to file an order for interim distribution and failed to timely file a Motion to Waive Interim Distribution;

_____ Debtor's Chapter 13 Plan fails to substantively comply with the Chapter 13 Plan form for the Southern District of Texas;

_____ Debtor failed to make all interim payments under the Chapter 13 Plan;

_____ Debtor failed to file Federal or State tax returns for pre petition taxes within 60 days after filing the Voluntary Petition in this case.

3. *[For use in Chapter 13 Cases Only]* **The Court may dismiss this case, without further notice or hearing, unless within twenty (20) days after this motion is served, Debtor remedies each of the below deficiencies.**

_____ Debtor failed to obtain confirmation due to Debtor not timely filing an Objection to Claim, Motion to Value Property, or a Motion to Avoid Lien in accordance with Local Rule 3015;

_____ Debtor failed to timely file all Federal or State Tax Returns due post-petition at the locations specified by the governmental agencies;

_____ Debtor failed to timely pay all Federal and State Taxes due postpetition.

4. **This case may be dismissed without further notice or hearing, unless the Debtor, within ten (10) days for deficiencies specified in Paragraphs 1 and 2 of this Motion and within Twenty (20) days for deficiencies specified in Paragraph 3 of this Motion, cures each of the specified deficiencies and provides the Trustee and Movant with verification of compliance, OR the Debtor or any Party-in-Interest files a response and request for hearing to this motion which specifies the reason a hearing is requested and includes notice of a date, time and place of hearing (which in Chapter 13 cases shall be obtained from the Chapter 13 Trustee and in Chapter 7 cases shall be obtained from the presiding Judge's case manager).**

Respectfully submitted,

Attorney for Movant

CERTIFICATE OF SERVICE

I certify that on _____, 2001 a true copy of this Motion was served via regular U.S. Mail, postage prepaid on Debtor, Debtor's attorney, the case trustee, the U.S. Trustee and all parties requesting notice, *[and in Chapter 7 cases all other parties-in-interest as specified in the attached Service List]*.

[Attorney for Movant]

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

§
§
§

CASE NO.

(Chapter ____)

ORDER DISMISSING CASE ON CERTIFICATION OF NON COMPLIANCE

On the Motion to Dismiss Case on Certification of Non Compliance filed by [*Movant*] on [*date*];

This case is **dismissed** for the following cause:

[insert all of the items specified in the Motion to Dismiss for Non Compliance which are not cured within the ten or twenty day compliance period].

ORDERED _____, 200_.

PRESIDING JUDGE

CERTIFICATION OF NON COMPLIANCE

I [*name of Movant or Movant's Attorney*] hereby certify under penalties of perjury that the above specified deficiencies were properly noticed pursuant to the Initial Order for Prosecution of Chapter 13 or Chapter 7 cases entered in this case, that more than [*10 or 20 as applicable*] days have passed, and that these deficiencies have not been remedied.

Printed Name of Movant or Attorney for Movant

IN RE: _____
CHAPTER 13 ADMINISTRATION § _____ STANDING ORDER 2001-_____

The Bankruptcy Judges for the Southern District of Texas have determined that to provide adequate protection to creditors and to assist debtors, creditors and the Chapter 13 Trustee in the orderly, expeditious and economical administration of cases, determination of claims, determination of property values, and Chapter 13 Plan confirmation, the following procedures are necessary.

D. The Chapter 13 Trustee is authorized to disburse funds in payment of the fees and expenses claimed by the Debtor's attorney up to \$100 per month, not to exceed a total of \$1,000 including direct payments previously received by the attorney prior to confirmation of the Debtor's plan, unless the Court approves otherwise. The balance of Debtor's attorneys' allowed fees and expenses shall be paid only upon confirmation or approval

by the Court. At the time of each disbursement pursuant to this Standing Order, the Trustee shall be authorized to collect the percentage fee, to the extent authorized by the United States Trustee, under 28 U.S.C. ' 586(e).

3. Pay Orders.

In all Chapter 13 cases the Debtor shall request the entry of a Pay/Wage Withhold Order directing the Debtor's employer to deduct the monthly plan payment from the Debtor's salary and to forward that sum to the Chapter 13 Trustee. The Debtor may, for cause, request a waiver of this wage order requirement from the standing Trustee. The request for waiver must be consented to in writing and signed by the Chapter 13 Trustee at or before the meeting of creditors. In the event the Chapter 13 Trustee does not consent to a Waiver of Wage Order, the Debtor may seek Court approval by filing a motion for waiver no later than thirty (30) days prior to the first date set for plan confirmation. Debtor shall serve the motion on the Chapter 13 Trustee and all parties requesting notice.

4. Objections to Claims, Debtor's Proofs of Claim, Motions to Value Property, and Motions to Avoid Liens on Exempted Property.

A. Objections to Secured and Priority Proofs of Claim which are necessary to determine if the Chapter 13 Plan meets the requirements for confirmation, must be in writing and filed no later than thirty (30) days prior to the first date set for confirmation. The first paragraph of any objection to a claim shall be typed in capital letters and read:

IF YOU OPPOSE THIS PLEADING OR IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT NOT LATER THAN TEN (10) DAYS BEFORE THE DATE OF THE HEARING, AND YOU MUST GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A RESPONSE TO THIS PLEADING IS FILED AND SERVED, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED IN THIS CASE, _____, 20____ AT _____ O-CLOCK _____.M, 515 RUSK AVE., _____ FLOOR, COURTROOM _____, HOUSTON, TEXAS 77002.

B. Proofs of Claim Filed for Creditors pursuant to Bankruptcy Rule 3004 may be used for interim disbursements when a creditor has not filed a proof of claim by the first date set for the meeting of creditors, and for confirmation when a creditor has not filed a timely proof of claim.

C. Requests to Value Property which are necessary to determine if the Chapter 13 Plan meets the requirements for confirmation, including motions to determine the value of a creditor's secured claim under 11 U.S.C. ' 506, must be in writing and filed no later than thirty (30) days prior to the first date set for confirmation. All motions for valuation must be accompanied by an affidavit that discloses:

1. The approximate purchase date and price of the item(s) sought to be valued;
2. A specific description and statement of condition of said item(s);
3. The movant's opinion of the fair market value of said item(s); and
4. The basis of movant's opinion of fair market value.

The first paragraph of any motion to value property shall be typed in capital letters and contain the same notice specified in Section IV, subsection A of this order.

D. Motions to Avoid Lien under 11 U.S.C. ' 522(f) which are necessary to determine if the Chapter 13 Plan meets the requirements for confirmation, must be in writing and filed no later than thirty (30) days prior to the first date set for confirmation. The first paragraph of any motion to avoid lien under ' 522(f) shall be typed in capital letters and shall contain the same notice specified in Section IV, subsection A of this order.

E. Objections to Claim, Motions to Value Property and Motions to Avoid Lien as to a specific creditor's claim may be consolidated into one pleading or filed separately.

5. Objections to the Debtor's Chapter 13 Plan; Responses to Objections to Claims, Motions to Value Property, and Motions to Avoid Liens; and Consolidated Hearing Date.

A. Any objection to confirmation of the Debtor's Chapter 13 plan, and any response to objection to claim, motion to value property or motion to avoid lien must be in writing and filed with the Clerk no later than ten (10) days prior to the confirmation hearing date, and served on the Debtor, Debtor's attorney, the Chapter 13 Trustee and all parties requesting notice. All such timely filed objections to confirmation and responses shall be heard on the same date and time as the confirmation hearing. At the consolidated hearing, the court may rule on each matter, continue each matter together, or set separate or consolidated hearings as may be required on a case-by-case basis.

B. If any pleadings specified above are pending or if the Trustee does not recommend confirmation, then the Debtor and the Debtor's attorney must attend the scheduled confirmation hearing. If none of the above pleadings are pending and the Chapter 13 Trustee recommends confirmation, the Debtor is excused from attendance at the hearing, and the Court may enter an order confirming the Plan.

C. The Notice of Confirmation Hearing shall be included with the Notice of Meeting of Creditors. A Notice of Confirmation Hearing shall not be served prior to Debtor filing a Chapter 13 Plan.

6. Dismissal of Case for Unreasonable Delay or Failure to Properly Prosecute the Case by the Debtor.

Failure by the Debtor to obtain confirmation as a result of the Debtor not timely filing an objection to claim, motion to value property, or motion to avoid lien in accordance with this order shall constitute unreasonable delay by the Debtor and failure to properly prosecute the case, which may result in dismissal of the case.

7. Modification of Plan After Confirmation.

A. Any Modification to a confirmed plan shall be upon written Motion and may be proposed in a combined Motion, Modified Plan and Notice, with a proposed Order filed in conformity with Local Forms 1329.1 and 1329.2. On objection or motion of a party-in-interest or sua sponte, the Court may require additional information to verify compliance with 11 U.S.C. ' 1329.

B. To the extent the Debtor's income or expenses have changed since confirmation of the Chapter 13 plan, the Debtor shall file and serve with the motion to modify Amended Schedules I and J. If the budget is unchanged, this shall be stated in the Motion to Modify.

C. The first paragraph of any Motion to Modify Plan After Confirmation shall be typed in capital letters and read:

IF YOU OPPOSE THIS MOTION TO MODIFY OR IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING AND YOU MUST RESPOND SPECIFICALLY TO EACH PARAGRAPH OF THIS PLEADING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT NOT LATER THAN TEN (10) DAYS BEFORE THE DATE OF THE HEARING AND YOU MUST GIVE A COPY TO THE PERSON WHO SENT YOU THE NOTICE. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF.

IF A RESPONSE TO THIS PROPOSED MODIFICATION IS FILED AND SERVED, THEN A HEARING ON THIS PROPOSED MODIFICATION IS SCHEDULED FOR _____, 20__ AT _____ O-CLOCK IN COURTROOM _____, _____ FLOOR, 515 RUSK AVE., HOUSTON, TEXAS 77002. IF NO TIMELY OBJECTION OR RESPONSE IS FILED, THE COURT MAY CONSIDER THIS MOTION WITHOUT THE NECESSITY OF A HEARING.

D. The proponent of the Modification shall obtain from the Chapter 13 Trustee prior to filing the Modification the case ledger or account statement for the debtor. Additionally, the Chapter 13 Trustee shall provide the proponent the date, time and place of the hearing to be included in the Motion. The Motion to Modify must be filed and served no later than 28 days prior to the hearing date.

8. Notice to Debtors and Creditors.

The substantive provisions of this Standing Order shall be noticed to all debtors and their creditors by the Chapter 13 Trustee. Notice may be given by including with the Notice of Meeting of Creditors, a supplemental notice which includes the provisions of Local Form 3015.3.

9. Effective Date.

The provisions of this Order become effective for all Chapter 13 cases filed after the date of this Order and for all amended plans and modified plans filed after the date of this order.

10. Consistency with Federal and Local Bankruptcy Rules.

A. This standing order shall be implemented consistent with all applicable Federal Rules of Bankruptcy Procedure, including Rules 3002 through 3008, 3012, 3013, and 3015.

B. Local Rule of Bankruptcy Procedure 3007 on objection to claims applies to this Order, with the exception of the Clerk of the Court issuing a Claim Objection Scheduling Order in Chapter 13 cases. Local Rules of Bankruptcy Procedure 3020(b) on the Debtors' appearance at confirmation hearings and 3020(c) on interim confirmation apply to the extent consistent with this Order.

ORDERED _____, 2001.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

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§
§

CASE NO.

(Chapter ____)

WITHDRAWAL OF MOTION TO DISMISS ON CERTIFICATION OF NON COMPLIANCE

[*Movant*] respectfully withdraws the “Motion to Dismiss Case on Certification of Non Compliance” filed on ____[*date*]____, because Debtor has satisfactorily and timely cured each of the noticed deficiencies.

Respectfully submitted,

Movant or Attorney for Movant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Withdrawal of Motion to Dismiss was served by regular U.S. mail, postage prepaid on Debtor, Debtor’s Attorney, U.S. Trustee, and the case trustee [if the trustee is not the movant].

[*Printed name of Movant or Attorney for Movant*]